

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 2, 3, 12-14, 22-24 have been amended. Claims 9-11, 20-21 and 30-31 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-8, 12-19 and 22-29 are presented for examination.

### 35 U.S.C. § 103 Rejection

Claims 1-3, 6-14, 17-24 and 27-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jung, U.S. Patent No. 6,308,208 ("Jung"), in view of Renaud, U.S. Publication No. 2003/0069969 ("Renaud '969"), and further in view of Renaud, U.S. Publication No. 2003/0061247 ("Renaud '247").

Claim 1, as amended, recites:

A monitoring system comprising:

a cluster of application servers communicatively coupled on a network to serve applications over the network to a plurality of clients, each of the application servers comprising server nodes;

a plurality of management bean ("MBean") servers associated with the server nodes of the application servers, the MBean servers comprising monitor MBeans generated by a monitor service, the monitor MBeans are arranged in a hierarchical monitor tree having a plurality of nodes, wherein each monitor MBean is represented as a node of the monitor tree;

resource MBeans associated with resources capable of being monitored, each of the resource MBeans collecting monitoring data relating to its associated resource, wherein the resource MBeans are mapped to the monitor MBeans within the monitor tree to establish a link between each of the monitor MBeans and its uniquely identified corresponding resource such that each monitor MBean receives monitoring data relating to its corresponding resource from its associated resource MBean; and

notification logic to generate notification in response to certain specified events associated with the resources, the notification logic distributing the notifications across all, or a subset of, the server nodes of the cluster.

(emphasis added)

Applicant respectfully disagrees with the Examiner's characterization of the references and the pending claims. The Examiner relies on Renaud '969 and Renaud '247 to make up for the deficiencies of Jung. (See Office Action, mailed 11/20/09, pages 4-5). Applicant respectfully disagrees.

For example, the Examiner acknowledges that Jung does not teach the mapping of the resource MBeans with the monitor MBeans as recited by claim 1, but relies on Renaud '969 for support. (*See id.*, page 4). In paragraphs 12-13 of Renaud '969 referred to by the Examiner, Renaud '969 *discloses an application server having a number of MBeans "represent[ing] a different number of different manageable resource" and further having an MBean server that "includes a set of services for managing MBeans"*. (*See* Renaud '969, para. 12-13; emphasis added). Although Renaud '969 discloses having an *MBean server* and *MBeans*, it does not teach or reasonably suggest employing monitor MBeans **and** resource MBeans in such a way that each of the resource MBean is associated with a resource that is capable of being monitored and the monitoring data relating to that resource is then provided by the resource MBean to the monitor MBean corresponding to that resource as recited by claim 1. Merely having *MBeans* associated with an *MBean server* (as disclosed by Renaud '969) is **not equivalent** to employing two distinct forms of MBeans (monitor MBeans and resource MBeans) that perform distinct functions relating to the resources that are capable of being monitored (as recited by claim 1).

Claim 1 further recites "the monitor MBeans are arranged in a hierarchical monitor tree having a plurality of nodes, wherein each monitor MBean is represented as a node of the monitor tree". (emphasis added). Jung, Renaud '969, and Renaud '247, neither individually nor when combined in any combination, teach or reasonably suggest

arranging monitor MBeans in a hierarchical tree-like structure and having each node of the tree representing an MBean as recited by claim 1. Although claim 1 has been amended, a similar limitation was recited in the former claim 1, but, in the last Office Action, the Examiner did not provide support for rejecting this limitation. Applicant respectfully requests the Examiner to either provide sufficient support for this rejection or allow the claim.

Accordingly, for at least the reasons stated above, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 12 and 22 contain limitations similar to those of claim 1. Accordingly, for at least the reasons set forth above with reference to claim 1, Applicant respectfully requests the withdrawal of the rejection of claims 12 and 22 and their dependent claims.

Claims 4-5, 15-16, and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jung, U.S. Patent No. 6,308,208 (“Jung”), in view of Renaud, U.S. Publication No. 2003/0069969 (“Renaud ‘969”), further in view of Renaud, U.S. Publication No. 2003/0061247 (“Renaud ‘247”), and further in view of Tsun, U.S. Publication No. 2004/0148610 (“Tsun”).

Claims 4-5, 15-16 and 25-26 depend from one of claims 1, 12 and 22 and thus include all the limitations of the corresponding base claim. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4-5, 15-16 and 25-26.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for a one month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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/Aslam A. Jaffery/

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